

that he render unto him the Sume of Eighty four Pounds fourteen shillings and two Pence Sterling money of Great Brittain Which unto him he Oweth and Unjustly Detaineth etc: Thereof fail not at Your peril And have you there this Writt Wittness Thomas Addison Esq^r Chief justice of Our said Provinciaall Court the 21st Day of May in the 11th Year of Our Dominion etc: Annoque Domini 1726.

issued 20th Sept^r 1726. Per (M Howard) Vachel Denton Clk.

Which being read and heard the said Rich^d Willis saith that the Writt and Declaration afs^d and the matter in the same Contained Are not Suff^t in Law for the Same Francis Skirven his Action afs^d ag^t him the said Richard to have and Maintain And that he to the same hath no Need Nor by the Law of the [sic] is Obligated to Answer And for Causes of Dem^r According to the Statute Shews to the Court here the following Reasons To Witt.

1 For that it Appears the Defendant is Sued in Action of Debt for a Certain Sum of Money Whereas it Appears by the Declaration that the Debt Owing if Any Was Tobacco.

2^{dly} *The Declaration is Vicious in Substance and form.*

And the afores^d Francis Skirvin for that he hath Above in his Writt And Declaration Afs^d Alledged Sufficient Matter in Law to have and Maintain his Action afs^d Ag^t the afs^d Rich^d Willis Which he is ready to Veryfie, Which Matter the afs^d Rich^d Willis Doth not Gain say Nor thereunto in Anywise Answer But that Averm^t to Admitt hath Altogether refused the same. Francis Skirven Prays for his Debt Afs^d together With his Damages Sustained by Occasion of Detaining the same Debt to him to be adjudged etc:

Whereupon all and Singular the Premises being by the Court here Seen Heard and fully Understood, And Mature Deliberation thereupon had, for that it Seems to the Court here that the Writt and Declaration Afs^d And the Matter in the Same Contained are not Suff^t in Law for the same Francis Skirven his Action afs^d against him the said Rich^d Willis to have and Maintain [825] *Therefore it is Considered by the Justices here the 21st Day of May Anno Dom: 1728 Afs^d that the said Francis Skirven Take Nothing by his Writt Afs^d But be in mercy for his false Clamour.* And that the said Richard Willis go thereof Without Day etc: And also it is Considered by the Justices here the same Day and Year last mentioned, That the said Rich^d Willis recover Against the said Francis Skirven the Sum of Seven Hundred and Eighty three pounds of Tobacco by Court here Adjudged Unto him for his Costs and Charges by him about his Defence in this behalf laid Out and Expended etc: Afterwards In the same Court or Term the said Francis Skirvin by his attorney afs^d Prays an Appeal from the Judgment of this Court to the High Court of Appeals, which is Granted, And ordered that the Record thereof be Transmitted Accordingly.

In Testimony that the Aforegoing is a true Copy taken from the records of the Provth Court the seale of the said Court is hereunto Affixed this 26th